Docket No.: <u>040219.04</u>



DECLARATION AND POWER OF ATTORNEY FOR CONTINUATION-IN-PART APPLICATION

As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name; that

I verily believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought, namely the improvement in: <u>APPARATUS AND METHOD FOR DETERMINING EFFECTS OF A SUBSTANCE ON AN ORGAN</u>

in: APPARATUS AND METHOD FOR DETERMINING EFFECTS OF A SUBSTANCE ON AN ORGAN
described and claimed in the specification:
 a. attached hereto; b. Element in the filed on February 2, 2004 as Application No. 10/768,167 and amended on(if applicable);
and that this application in part discloses and claims subject matter disclosed in the earlier filed pending application, Application No. 10/617,130, filed July 11, 2003. I hereby state that I have reviewed and understand the contents of this application, including the claims, as amended by any amendment referred to above; and that I acknowledge my duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.
Under Title 35, U.S. Code §119, the priority benefits of the following foreign application(s) and/or United States provisional application(s) filed by me or my legal representatives or assigns within one year prior to said earlier filed pending application are hereby claimed:
The following applications for patent or inventor's certificate on this invention were filed in countries foreign to the United States of America either (a) more than one year prior to said earlier filed pending application, or (b) before the filing date of the above-named foreign priority application(s) and/or United States provisional application(s):
As to any and all subject matter of this application which is not common to said earlier application, I acknowledge my duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.
Under Title 35, U.S. Code §119, the priority benefits of the following foreign application(s) and/or United States provisional application(s) filed by me or my legal representatives or assigns within one year prior to this application are hereby claimed:
The following application(s) for patent or inventor's certificate on such subject matter were filed in countries foreign to the United States of America either (a) more than one year prior to this application, or (b) before the filing of the above-named foreign priority application(s) and/or United States provisional application(s):
I hereby appoint the following as my attorneys of record with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office:
James A. Oliff, Registration No. 27,075; William P. Berridge, Registration No. 30,024; Kirk M. Hudson, Registration No. 27,562; Thomas J. Pardini, Registration No. 30,411; Edward P. Walker, Registration No. 31,450; Robert A. Miller, Registration No. 32,771; Mario A. Costantino, Registration No. 33,565; Joel S. Armstrong, Registration No. 36,430; Christopher W. Brown, Registration No. 38,025; Richard E. Rice, Registration No. 31,560; Paul Tsou, Registration No. 37,956; and Eric D. Morehouse, Registration No. 38,565.

ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, P.O. BOX 19928, ALEXANDRIA, VIRGINIA 22320. TELEPHONE: (703) 836-6400.

I hereby declare that I have reviewed and understand the contents of this Declaration, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

,	Typewritten Full Name				n
	of First or Sole Inventor		John		BRASSIL
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	**INVENTOR'S SIGNATURE:		700	<u> </u>	
	**DATE OF SIGNATURE:		6.3.04		
			Month	Day	Year
	Residence:	Northbrook	I	llinois	U.S.A.
	City		State	or Province	Country
	Citizenship:	U.S.A.			
		Post Office Address:			
		(Insert complete	1810 Maple		<u>.</u>
		mailing address,			
	including country)		Northbrook, Illinois 60062		
	T '44 F.				
	Typewritten Fu	iii Name it Inventor (if any)	Douglas		SCHEIN
	oj Becona Join	a Inventor (ij uny)	Given Name	Middle Initial	Family Name
	**!NVENTOI	R'S SIGNATURE:			
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	**DATE OF S	SIGNATURE:	Month	Day	Year
	A plinatan Unights		Illinois		U.S.A.
	Residence: Arlington Heights City		State or Province		Country
	Citizenship:	U.S.A.	State of Flovince		•
	Chizenship.	Post Office Address:			
		(Insert complete	415 Whitehall Drive		
		mailing address,			
		including country)	Arlington Heights, Illinois 60004		
	<i>a</i>				
	Typewritten Full Name of Third Joint Inventor (if any)		Christopher	G.	CURTIS
	oj imila John	inventor (ij unij)	Given Name	Middle Initial	Family Name
	**INVENTO	R'S SIGNATURE:			,
2		SIGNATURE:			
	DAILOF		Month	Day	Year
	Residence:	Cardiff		Vales	United Kingdom
	City		State or Province		Country
	Citicanahin	UNITED KINGDOM	,		-
	Citizenship: UNITED KINGDO: Post Office Address: (Insert complete				
			2 Southcourt Road		
		mailing address, including country)			
		mailing address,	Penylon, Cardiff CF	23 9DA, Wales, United	Kingdom

IF THERE IS MORE THAN THREE INVENTORS USE PAGE 3 AND PLACE AN "X" HERE \square .

	Typewritten Full Name of First or Sole Inventor		John		BRASSIL
	oj i iisi oi soie i		Given Name	Middle Initial	Family Name
	**INVENTOR	S SIGNATURE:			*
	**DATE OF SI	GNATURE:			
	-		Month	Day	Year
	Residence:	Northbrook	I	llinois .	U.S.A.
	City		State of	or Province	Country
	Citizenship: U.S.A.				
		Post Office Address: (Insert complete	1810 Maple		
		mailing address, including country)	Northbrook, Illinois 6	0062	
	Typewritten Fi		Douglas		SCHEIN
	of Second Join	t Inventor (if any)	Douglas Given Name	Middle Initial	Family Name
			GIVEN IVANIA		
	**INVENTOR'S SIGNATURE:		1 angles		
	**DATE OF S	SIGNATURE:	June		2004
			Month	Day	Year
	Residence: Arlington Heights City		Illinois		U.S.A.
			State or Province		Country
	Citizenship:	U.S.A.			
	•	Post Office Address:			
		(Insert complete	415 Whitehall Drive		
		mailing address,	Auliusten Heights Illinois 60004		
		including country)	Arlington Heights, Illinois 60004		
	Typewritten F	ull Name			
		Inventor (if any)	Christopher	G.	CURTIS
	,		Given Name	Middle Initial	Family Name
	**INVENTO	R'S SIGNATURE:			
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	D 11	Cardiff		/ales	United Kingdom
	Residence: Cardiff City		State or Province		Country
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		mailing address,	2 SouthCourt Noau		
		including country)	Penylon, Cardiff CF 23 9DA, Wales, United		Kingdom
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IF THERE IS MORE THAN THREE INVENTORS USE PAGE 3 AND PLACE AN "X" HERE \square .

	Typewritten Full Name				FR 1 F 2 F 2 F 3	
	of First or Sole	Inventor	John		BRASSIL	
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	**DATE OF SI	GNATURE:	N1	D	Year	
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	Residence:	Northbrook		linois	U.S.A.	
	City		State or Province		Country	
	Citizenship: U.S.A.					
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		mailing address,	N 41 1 701 1 6	00.62		
		including country)	Northbrook, Illinois 6	0062		
	Typewritten Fi	ull Name				
	of Second Joint Inventor (if any)		Douglas		SCHEIN	
	*	·	Given Name	Middle Initial	Family Name	
	**INVENTO	R'S SIGNATURE:				
	**DATE OF S	SIGNATURE:				
	•		Month	Day	Year	
	Residence:	Arlington Heights	Illinois		U.S.A.	
	City		State or Province		Country	
	mailing address,					
			416 1171 1 1 1170 1			
			415 Whitehall Drive	15 Whitehall Drive		
			Arlington Heights, Illinois 60004			
		•				
	Typewritten Full Name					
	of Third Joint	Inventor (if any)	Christopher	G. Middle Initial	CURTIS	
			Given Name	_	Family Name	
	**INVENTO	R'S SIGNATURE:	b. h. luch	<u> </u>		
	**DATE OF SIGNATURE:		6	7	2004	
			Month	Day	Year	
	Residence: Cardiff City		Wales		United Kingdom	
			State or Province		Country	
	Citizenship: UNITED KINGDOM					
	•	Post Office Address:				
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	NTOR(S):	•				

PAGE 2



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DESIGNATION OF TEN ATTORNEYS FOR POWER OF ATTORNEY

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

This serves as a separate paper in compliance with 37 CFR §1.32(b) indicating that the following ten patent practitioners named in the attached power of attorney are to be recognized by the Patent Office as being of record in the application to which the attached power of attorney is directed:

James A. Oliff, Reg. No. 27,075; William P. Berridge, Reg. No. 30,024; Thomas J. Pardini, Reg. No. 30,411; Edward P. Walker, Reg. No. 31,450; Robert A. Miller, Reg. No. 32,771; Mario A. Costantino, Reg. No. 33,565; Joel S. Armstrong, Reg. No. 36,430; Christopher W. Brown, Reg. No. 38,025; Paul Tsou, Reg. No. 37,956; and Eric D. Morehouse, Reg. No. 38,565.

ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NO. 25944, TELEPHONE (703) 836-6400.

Respectfully submitted,

Eric D. Morehouse Registration No. 38,565

WPB:KMM/can

Date: July 6, 2004